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Cover Sheet: Order of Protection

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STATE OF INDIANA) IN THE _____ COURT _____
) SS: (_____ DIVISION, ROOM ____)
COUNTY OF _____) CASE NO. _____

_____,)
Petitioner)
 vs.)
_____,)
Respondent)

ORDER FOR PROTECTION

FINDINGS

This matter having been heard by the Court on _____ pursuant to Indiana Code 34-26-5-10, the Court now makes the following Findings (~~strike through~~ those which do not apply):

- a. _____ filed a timely Request for Hearing pursuant to Indiana Code 34-26-5-10(a); and/or,
- b. The Court is required to hold a hearing pursuant to Indiana Code 34-26-5-10(b).
- c. The Petitioner was present at the hearing and the Respondent was / was not present.
- d. This order does / does not protect an intimate partner or child.
- e. The Respondent had notice and an opportunity to be heard.
- f. The Respondent represents a credible threat to the safety of the Petitioner or a member of the Petitioner's household.
- g. The Petitioner has shown, by a preponderance of the evidence, that domestic or family violence has occurred sufficient to justify the issuance of this Order.
- h. The Respondent has failed to show good cause why this Order for Protection should not be issued.
- i. The Respondent does/does not agree to the issuance of the Order for Protection.
- j. The following relief is necessary to bring about a cessation of the violence or the threat of violence.

ORDER

(~~strike through~~ those which do not apply)

Section 1—General Provisions

1. The Respondent is hereby enjoined from threatening to commit or committing acts of domestic or family violence against the Petitioner and the following designated family or household members, if any:

_____.

IDACS Codes:

01 -
Petitioner

02 - Others

2. The Respondent is prohibited from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with the Petitioner. 05
3. The Respondent shall be removed and excluded from the Petitioner's residence. 03
4. The Respondent is ordered to stay away from the residence, school, and/or place of employment of the Petitioner. The Respondent is further ordered to stay away from the following place(s) that is/are frequented by the Petitioner and/or the Petitioner's family or household members: 04
_____.
5. The Petitioner shall have the possession and use of the residence/motor vehicle/other essential personal effects as follows: 03 – Residence

08 - Other
_____.
6. The Court orders the following additional relief to provide for the safety and welfare of the Petitioner and each family or household member designated in Paragraph 1 of this Order: 08

_____.
7. **To law enforcement officers: You are hereby directed to accompany the Petitioner to the residence of the parties to ensure that the Petitioner is safely restored to the possession of the residence/motor vehicle/other essential personal effects listed above; or, you are to supervise the Petitioner's or Respondent's removal of personal belongings.** 08
8. The Respondent is prohibited from using or possessing a firearm, ammunition, or deadly weapon. The Respondent is ordered to surrender the following firearm[s], ammunition, and/or deadly weapon[s] which the Court finds are in the control, ownership, or possession of the Respondent or in the control or possession of another person on behalf of the Respondent: 07
a. _____;
b. _____;
c. _____;
(attach a separate sheet if necessary).
9. The Respondent shall surrender the items listed above between the hours of ____:____ and ____:____ on the date of _____ to the following law enforcement agency _____ at the following location: 08

_____.
10. The law enforcement agency listed above shall provide the Respondent with a receipt for the items the Court has ordered the Respondent to surrender. The law enforcement agency shall also provide the Court with written verification of the Respondent's compliance with this Order no later than one (1) business day after such compliance. 08

If the Respondent does not appear at the specified date and time, or appears but does not have all of the items listed above, the law enforcement agency is ordered to contact the Court immediately by the following means:

11. The items listed above shall be kept by the law enforcement agency for the duration of this Order or until the following date: _____.
- (if the parties do not have children, proceed to Section 3)*

Section 2—Visitation Provisions

12. The arrangements for visitation of [a] minor child[ren] by the Respondent shall be as follows (~~strike through~~ those which do not apply):
- a. The Court finds that it is necessary to deny visitation at this time in order to protect the safety of the Petitioner and/or the minor child[ren] in question; or,
 - b. The Court finds that it is necessary that visitation be supervised by a third (3rd) party in order to protect the safety of the Petitioner and/or the minor child[ren] in question. Visitation shall occur only under the following conditions:
 - i. Visitation shall take place every _____ from _____ .m. to _____ .m. at _____ and in the presence of the third (3rd) party, _____.
 - The Petitioner is responsible for dropping off the child[ren] by _____ .m. and for picking up the child[ren] by _____ .m. In the event that visitation cannot take place, the Petitioner or Respondent must telephone the third (3rd) party, _____, at _____, by _____ .m., and visitation shall then take place the following _____ with the same provisions;
 - ii. Respondent shall not consume any alcohol or illegal drugs during the 12 hours prior to and during visitation. If the Respondent appears to have violated this provision, the third (3rd) party is authorized to deny the Respondent visitation on that occasion. The third (3rd) party is also required to file a written report of the incident with this Court on the next business day.
 - iii. Visitation is conditioned upon the Respondent receiving weekly counseling for _____ from _____, for a length of time to be no less than _____;

- iv. Visitation may be denied if the Respondent is more than 30 minutes late and does not call by 8:30 a.m. on the day the visitation is scheduled to occur to alert the third (3rd) party of this fact;
 - v. The Petitioner must arrive at the drop-off location 20 minutes before the Respondent, and then leave before the Respondent arrives. At the end of the visitation, the Respondent must remain at the location for 20 minutes while the Petitioner leaves with the child[ren];
 - vi. If the Respondent wishes to exercise visitation rights, the Respondent must call the third (3rd) party, _____, at _____, by 10:00 a.m. on the day before each scheduled visitation. The third (3rd) party, _____, shall then call the Petitioner; or,
- c. Visitation shall be unsupervised and shall occur as follows:
- i. _____

_____.

13. The Court now sets a hearing to review the terms of this Order with respect to visitation. The parties are ordered to appear without further notice in this Courtroom on the following date and time: _____.
(if monetary relief is not ordered, proceed to Section 4)

Section 3—Monetary Relief

14. The Respondent is ordered to pay the Petitioner's attorney fees in the amount of: \$_____ on or before _____. The payment shall be made at the following location: _____ and in the following form: _____. The Petitioner's attorney shall provide the Respondent a receipt for the payment. 08
15. The Respondent is ordered to pay rent or to make payments on the mortgage at the Petitioner's residence in the amount of: \$_____ per week/month. The payment shall be made at the following location: _____ and in the following form: _____. The Respondent shall be provided with receipts for the payments by the following person or entity: _____. 08
16. The Court finds that the Respondent owes a duty of child support for the following minor child[ren]: _____. 08
17. The Court finds that the Respondent owes a duty of support to the Petitioner. 08
18. The Respondent shall pay child support/support to the Petitioner as follows: payments 08

of \$_____ per week/month are to be paid on the _____ day of each week/month. Payment shall be made to the _____ County Clerk's Office between the hours of _____ a.m. and _____ p.m. in the following form: _____. The Clerk shall provide the Respondent with receipts for such payments. A child support worksheet is attached. Child support shall be paid via an income withholding order.

19. The Respondent is ordered to reimburse the Petitioner or the following specified person, _____, for expenses related to family or domestic violence:

08

- a. medical expenses \$_____
- b. counseling \$_____
- c. shelter \$_____
- d. repair or replacement \$_____ of damaged property
- e. costs/fees incurred \$_____ by the Petitioner in bringing this action

TOTAL: \$_____.

Such payment is to be made at the following location:_____ and in the following form: _____. The Respondent shall be provided with receipts for the payments by the following person or entity: _____.

Section 4—Duration of Order

THIS ORDER FOR PROTECTION EXPIRES:

___ TWO (2) YEARS FROM THE DATE IT IS ISSUED;
OR
___ ON THE ___ DAY OF _____, 2___.

DATE: _____
_____, JUDGE

*******IMPORTANT NOTICE*******

VIOLATION OF THIS ORDER IS PUNISHABLE BY CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.

IF SO ORDERED BY THE COURT, THE RESPONDENT IS FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S RESIDENCE, EVEN IF INVITED TO DO SO BY THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT IS THE ORDER FOR PROTECTION VOIDED.

PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT IN ANY OTHER STATE OR

TRIBAL LAND AND SHALL BE ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT STATE OR TRIBAL LAND.

PURSUANT TO 18 U.S.C. 922(g), ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF THE PROTECTED PERSON IS:

- (A) THE RESPONDENT'S CURRENT OR FORMER SPOUSE;**
- (B) A CURRENT OR FORMER PERSON WITH WHOM THE RESPONDENT RESIDED WHILE IN AN INTIMATE RELATIONSHIP;**
- OR**
- (C) A PERSON WITH WHOM THE RESPONDENT HAS A CHILD.**

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.